

LABOUR DEPARTMENT

The 23rd May, 1985

No. 9/5/84-Lab./4143.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Universal Conveyer Belting Ltd., Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 52 of 1984

between

SHRI VISHAV NATH NAYAK, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S. UNIVERSAL CONVEYER BELTING LTD., FARIDABAD

Present :

Workman with Shri Jawahar Lal.
Shri J. S. Saroha, for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/52-82/9168-73, dated 2nd March, 1984, under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Vishav Nath Nayak, workman and the respondent-management of M/s. Universal Conveyer Belting Ltd., 10-11, Gurukul Interprath Estate, P. O. Amar Nagar, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Vishav Nath Nayak was justified and in order? If not, to what relief is he entitled ?

The workman has received Rs. 1700 in full and final payment of his dispute/claim. He has no right of re-instatement/re-employment. The full and final receipt is Ex. M. 1. Hence the award is given that the dispute has been settled.

Dated the 8th May, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

Endst. No. 1270, dated the 8th May, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-Lab./4147.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s India Forge and Drop Stampings Ltd., 13/3, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 78 of 1985

between

SHRI SITA RAM CHAUHAN, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
INDIA FORGE AND DROP STAMPINGS, LTD., 13/3, MATHURA ROAD, FARIDABAD

Present :—

None for the parties.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana, —vide his order No. ID/FD/188-84/6236—41, dated 18th February, 1985, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Sita Ram Chauhan, workman and the respondent-management of M/s. India Forge and Drop Stampings, 13/3, Mathura Road, Faridabad. The term of the reference was: —

Whether the termination of services of Shri Sita Ram Chauhan was justified and in order? If not, to what relief is he entitled?

Present none for the parties. Called many a times. It shows that the workman is not interested in the reference. Hence the award is given that no dispute is pending between the parties.

R. N. SINGAL,

Dated the 1st May, 1985.

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1274, dated 8th May, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 24th May, 1985

No. 9/5/84-6Lab/4082.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s State Farms Corporation of India Ltd., Central State Farm, 10 KM. Sirsa Road, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 178 of 1982

between

SHRI SARWAN KUMAR, WORKMAN AND THE MANAGEMENT OF M/S STATE FARMS CORPORATION OF INDIA LTD. CENTRAL STATE FARM, 10 KM. SIRSA ROAD, HISSAR

Shri T. C. Gupta, A. R., for the workman.

Shri K. S. Mehtani, A. R., for the respondent.

AWARD

1. In exercise of the powers conferred by clause(c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Sarwan Kumar and the management of M/s State Farms Corporation, of India Ltd., Central State Farm, 10 Km. Sirsa Road, Hissar to this Court for adjudication,—vide Labour Department Gazette notification No. ID/HSR/40/82/42452, dated 6th September, 1984 :—

Whether the termination of services of Shri Sarwan Kumar was justified and in order? If not, to what relief is he entitled?

2. After receipt of order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent as a Chowkidar since the year 1976 and worked upto 15th November, 1981, after which, the respondent choose to terminate his services in gross violation of the provisions of section 25F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted. Otherwise the preliminary objection taken is that this Court has no jurisdiction to adjudicate upon the controversy in hand, as the respondent is not an "industry" as defined in section 2(j) of the Industrial Disputes Act, 1947. On merits, it is alleged that the applicant was never appointed on regular basis, who was working as a casual labour, whose services could be dispensed with, when no work was available.

4. On the pleadings of the parties, the following issues were settled for decision on 8th March, 1983 :—

- (1) Whether this Court has no jurisdiction to try the present reference as the respondent does not fall under the definition of industry?
- (2) Whether the termination of services of Shri Sarwan Kumar was justified and in order? If not, to what relief is he entitled?

5. Later on, two other references bearing number 203 of 82 and 17 of 83 were ordered to be consolidated with this reference, but since this reference is being disposed of for non-prosecution, the same has been segregated for disposal. Since the learned Authorised Representative of the workman Shri T.C. Gupta, has made a statement that the whereabouts of the workman are not known to him nor is he coming forth to prosecute the reference. So, this reference is dismissed for non-prosecution and answered accordingly. There is no order as to cost.

Dated the 26th April, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 178/82/741, dated 11th May, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/4083.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Central State Farm, Hissar:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 17 of 83

between

SHRI KRISHAN KUMAR, WORKMAN AND THE MANAGEMENT OF M/S CENTRAL STATE FARM, HISSAR

Present :—

Shri T. C. Gupta, A. R., for the workman.

Shri K. S. Mehtani, A. R., for the respondent.

AWARD

1. In exercise of powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Krishan Kumar and the management of M/s Central State Farm, Hissar, to this Court, for adjudication,—vide Labour Department Gazette Notification No. 1D/HSR/146/82/12705—09, dated 17th March, 1983 :—

Whether the termination of services of Shri Krishan Kumar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent as a Fieldman in the month of February, 1981, and worked upto December, 1981, after which, the respondent choose to terminate his services, in gross violation of the provisions of section 25F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted. Otherwise the preliminary objection taken is that Court has no jurisdiction to adjudicate upon the controversy in hand as the respondent is not an "industry" as defined in section 2(j) of the Industrial Disputes Act, 1947. On merits it is alleged that the applicant was never appointed on regular basis, who was working as casual labour whose services could be dispensed with when no work was available.

4. On the pleadings of the parties the following issues were settled for decision by me on 11th September, 1984 :—

1. Whether the respondent is not an "industry as defined in section 2(j) of the Industrial Disputes Act, 1947 ?
2. Whether the termination of service of Shri Krishan Kumar was justified and in order ? If not, to what relsef is he entitled ?

5. Later on, this refrence was ordered to be consolidated with reference number 178 of 82 but has been segregated today. Since the learned Authorised Representative of the workman Shri T. C. Gupta has made a statement that the whereabouts of the workman are not known to him, nor is he coming forth to prosecute the reference. So, this reference is dismissed for non-prosecution and answered accordingly. There is no order as to cost.

Dated the 26th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court,
Rohtak.

Endorsement No. 17/83/42, dated the 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court,
Rohtak.

No. 9/5/84-6Lah/4084.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. (i) State Transport Controller, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Sirsa :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 44 of 1984

between

SHRI RAM RISHI, WORKMAN AND THE MANAGEMENT OF M/S (i) STATE TRANSPORT
CONTROLLER, HARYANA, CHANDIGARH, (ii) GENERAL MANAGER, HARYANA
ROADWAYS, SIRSA

None, for the workman.

Shri V. K. Kohli, A.R., for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Ram Rishi and the management of (i) State Transport Controller, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Sirsa, to this Court, for adjudication,—vide Labour Department Gazette Notification No. 13955—61, dated 3rd April, 1984 :—

Whether the termination of services of Shri Ram Rishi is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were sent to the parties. Both the parties appeared. Otherwise the case of the workman is that he was employed with the respondent as a helper about three years ago, but the respondent chose to terminate his services unlawfully on 1st September, 1983 after giving a complete go-bye to the provisions of section 25F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. I need not detail the pleas taken by the respondent, because this reference is being answered on grounds other than merits.

4. Later on, the workman absented and as a matter of abundant caution, a fresh registered notice was sent to him but he could not be served upon at the address given in the order of reference. Under these circumstances, I have no option but to presume that the workman is not interested in prosecution of the reference. The same is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated the 26th April, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endst No. 44/84/743, dated the 11th May, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/4086.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Palace Theatre (P) Ltd., Subhash Road, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 228 of 1978

between

SHRI ROSHAN LAL, WORKMAN AND THE MANAGEMENT OF M/S PALACE THEATRE
(P) LTD., SUBHASH ROAD, ROHTAK.

Shri S.S. Gupta, for the workman.

Shri Sant Lal, Manager/A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Roshan Lal and the management of M/s. Palace Theatre (P) Ltd., Subhash Road, Rohtak, to this Court, for

adjudication,—vide Labour Department Gazette notification No. ID/RTK/447-A-76/37390, dated 10th August, 1978:—

Whether the termination of service of Shri Roshan Lal was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was working with the respondent as Operator for the last about two years and that the respondent choose to terminate his services unlawfully on 27th October, 1976 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the detailed reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas projected need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 2nd April, 1979:—

1. Whether the reference is bad in law because the respondent is covered under the Punjab Shops and Commercial Establishment Act?

2. Whether the termination of services of the workman was justified and in order? If not, to what relief is he entitled?

5. After the parties had gone through the gamut of adducing evidence, happily, a settlement was arrived at, whereunder, the workman has been paid a sum of Rs. 700 in full and final settlement of his claim. In that behalf statement of the workman has been recorded. Now, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

Dated the 27th April, 1985.

Endorsement No. 228/78/748, dated 11th May, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

No. 9/5/84-6Lab/4087.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of The Municipal Committee, Jhajjar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 54 of 82

between

SHRI SARJU, WORKMAN AND THE MANAGEMENT OF THE MUNICIPAL COMMITTEE, JHAJJAR.

Shri S. N. Vats, A. R. for the workman.

None, for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri

Sarju and the management of Municipal Committee, Jhajjar to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/RTK/179/81/16369, dated 26th March, 1982:—

Whether the termination of service of Shri Sarju, was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. Both the parties appeared. The case of the workman is that he was employed with the respondent as a scavenger supply for driving a cart driven by hebuffalo for removing rubbish for the last about two years and that the respondent choose to terminate his services unlawfully on 1st May, 1981 after giving a complete go-bye to the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted. It is alleged that the petitioner was employed on 31st March, 1981 on daily wages and relieved on 1st May, 1981 after a regular employee had resumed his duties.

4. On the pleading of the parties, the following issue was settled for decision on 6th August, 1982 :—

1. Whether the termination of service of Shri Sarju was justified and in order? If not, to what relief is he entitled?

5. Subsequently, the respondent absented and so an *ex parte* proceedings order was passed against the respondent on 8th December, 1982.

6. In *ex parte* evidence the workman appeared as WW-1 and made a statement completely in corroboration of his claim. I, see no reason to disbelieve the unrebutted sworn deposition made by the workman and find that the respondent has choosen to terminate the services of the workman unlawfully in flagrant disregard of the provisions of the Industrial Disputes Act, 1947 and he is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly. Cost quantified at Rs. 100 to be paid by the management.

The 27th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 54/82/749, dated the 11th May, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab./4088.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s New Tyre Sole Company, M. I. E., Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 77 of 1982

between

SHRI ASHRAFI, WORKMAN AND THE MANAGEMENT OF M/S NEW TYRE SOLE
COMPANY, M. I. E BAHADURGARH.

Shri R. S. Yadav, A.R. for the workman.

Shri M. M. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Ashrafi and the management of M/s New Tyre Sole Company, M. I. E., Bahadurgarh to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/RTK/ 33/82/20398, dated 30th April, 1982 :—

Whether the termination of service of Shri Ashrafi was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The case of the workman is that he was employed with the respondent for the last 1½ years on monthly wages of Rs 280 and that the respondent choose to terminate his services on 18th January, 1982 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent, controverting the claim of the petitioner. Pleas projected need not be stated, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 29th October, 1982 :—

(1) Whether the termination of services of Shri Ashrafi was justified and in order ? If not, to what relief is he entitled ?

(2) Whether the applicant has remained gainfully employed ? If so, to what effect ?

5. After the workman had closed his evidence and the case was posted for evidence of the management, a settlement was arrived at, whereunder, the workman has settled his claim finally with the management and in that behalf his Authorised Representative Shri R. S. Yadav, made a statement in the Court. So, nothing survives, for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 27th April, 1985

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 77/82/750, dated the 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/4089.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Sirsa District Cooperative Labour and Construction Union Ltd., Courts Road, Sirsa.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 128 of 1982

between

SHRI KULDEEP SINGH, WORKMAN AND THE MANAGEMENT OF M/S SIRSA DISTRICT CO-OPERATIVE LABOUR AND CONSTRUCTION UNION LTD., COURTS ROAD, SIRSA

None, for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Kuldeep Singh and the management of M/s Sirsa District Co-operative Labour and Construction Union Ltd., Courts Road, Sirsa to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/HSR/55/82/28324, dated 23rd June, 1982:—

Whether the termination of service of Shri Kuldeep Singh is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Clerk with effect from 1st December, 1981 but the respondent choose to unlawfully terminate his services on 19th February, 1982 and that the persons junior to the applicant has been retained by the respondent in employment in gross violation of the provisions of section 25G of the Industrial Disputes Act, 1947.

3. A reply was filed by the respondent, controverting the claim of the petitioner.

4. Later on, both the parties absented and my learned predecessor was constrained to pass an order for dismissal of the reference. The same is answered and returned accordingly. There is no order as to cost.

Dated the 27th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 128/82/751, dated the 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/4090.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Capital Laboratories, D-15, Industrial Area, Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 139 of 1982

between

SHRI SUSHIL KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. CAPITAL LABORATORIES, D-15, INDUSTRIAL AREA, SONEPAT

Shri R. S. Lakra, A.R., for the workman.

Shri Rajinder Singh, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Sushil Kumar and the management of M/s. Capital Laboratories, D-15, Industrial Area Sonapat, to this

Court, for adjudication,—vide Labour Department Gazette Notification No. ID/SPT/81-82/34027, dated 21st July 1982 :—

Whether the termination of service of Shri Sushil Kumar was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last about 8 months as helper on monthly wages of Rs 330 and that the respondent choose to terminate his services orally on 26th April 1982, when he refused to put his thumb-impression on the blank wages register and that the act of the respondent in terminating his services was in gross violation of the provisions of the Industrial Disputes Act, 1947 :—

3. In the reply filed by the respondent, the claim of the workman has been controverted.

4. The parties contested the reference on the following issues framed on 17th February, 1983 :—

- (1) Whether there existed a relationship on the master and servant between the parties ? If so, to what effect ?
- (2) Whether this Court has no jurisdiction to try the present reference as per reason given in para 2 of preliminary objection ?
- (3) Whether the termination of service of Shri Sushil Kumar was justified and in order ? If not, to what relief is he entitled ?

5. After the management examined one witness and the case was posted for remaining evidence the learned Authorised Representative of the workman Shri R. S. Lakra, made a statement in the Court that the claim of the workman has been settled to his satisfaction and such, the workman is not interested in prosecution of this reference. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 27th April 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 139/82/752, dated 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6 Lab/4091.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Capital Laboratories, D-15, Industrial Area, Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 140 of 1982

between

**SHRI INDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S CAPITAL
LABORATORIES D-15, INDUSTRIAL AREA, SONEPAT**

Present.—

Shri R. S. Lakra, A. R. for the workman.

Shri Rajinder Singh, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Inder Singh and the management of M/s Capital Laboratories D-15, Industrial Area, Sonapat, to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/SPT-81/82/34034, dated 21st July, 1982 :—

Whether the termination of service of Shri Inder Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a helper for the last about two years on monthly wages of Rs 323 and that his services were terminated orally on 26th April, 1982, without complying with the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted. The pleas projected need not be detailed, since this reference is not being answered on merits.

4. On the pleadings of the parties, the following issues were settled for decision on 17th February, 1983.

(1) Whether this Court has no jurisdiction to try the present reference as per reason given in para 1 of preliminary objection of written statement ?

(2) Whether the termination of service of Shri Inder Singh was justified and in order ? If not, to what relief is he entitled ?

5. Subsequently before any evidence could be adduced by any of the parties, the learned Authorised Representative of the workman Shri R. S. Lakra, stated that he has not been able to know about the whereabouts of the workman, who is not coming forth to prosecute this reference. So, the only inference possible is that the workman is not interested in prosecution of this reference. The same is answered and returned accordingly. There is no order as to cost.

Dated the 27th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 140/82/753, dated the 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/4092.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Hansi Co-operative Spinning Mills Ltd., Hansi (Hissar).

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 212 of 1982

between

**SHRI ANURODH YADAV, WORKMAN AND THE MANAGEMENT OF M/S.
HANSI CO-OPERATIVE SPINNING MILLS LTD., HANSI (HISSAR)**

Shri T. C. Gupta, A.R. for the workman.

Shri M. K. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Anurodh Yadav and the management of M/s. Hansi Co-operative Spinning Mills Ltd., Hansi (Hissar), to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/HSR/81/82/50597, dated 10th November, 1982: —

Whether the termination of services of Shri Anurodh Yadav was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last three years and had proceeded on leave on 10th April, 1982 and when he returned on 2nd May, 1982 alongwith the medical certificate he was not allowed to resume his duties and so the management unlawfully terminated his services without complying with the provisions of section 25-F of the Industrial Disputes Act, 1947.

3. A reply was filed by the respondent controverting the claim of the petitioner in toto. Other pleas projected need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were laid down for decision on 9th March, 1983.

- (1) Whether the workman abandoned his job of his own accord? If so, to what effect?
- (2) Whether the applicant has remained gainfully employed? If so, to what effect?
- (3) Whether the termination of services of Shri Anurodh Yadav was justified and in order ? If not, to what relief is he entitled ?

5. Before any evidence could be adduced, happily, a settlement was arrived at, where under the workman has choosen to relinquish his claim in toto. The reference is answered and returned accordingly. There is no order as to costs.
Dated the 27th April, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endst No. 212/82/754, dated 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/4093.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. M. & M. Industries 15/3 G. T. Road Kundli, District Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 229 of 1982

between

SHRI KRISHAN KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. M. & M.
INDUSTRIES 15/3 G. T. Road KUNDLI, DISTRICT SONEPAT

Shri S. N. Solanki, A.R., for the workman.

Shri S. Kaushal, A. R., for the respondent,

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Krishan Kumar and the management of M/s M. & M. Industries 15/3 G. T. Road Kundli, District Sonapat, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/SPT/106/82, dated 23rd December, 1982 :—

Whether the termination of services of Shri Krishan Kumar was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was working with the respondent as a Labourer for the last many years on monthly wages of Rs 313 but the respondent choose to terminate his services on 15th March, 1982 after giving a complete go-bye to the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, claim of the workman has been controverted in toto.

4. Before issues could be framed the workman settled his claim with the respondent. In that behalf my learned predecessor passed an order on 20th April, 1983. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 27th April, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court,
Rohtak.

Endst. No. 229-82/752, dated 11th May, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court,
Rohtak.

No. 9/5/84-6Lab./4094.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 115 of 1983

between

SHRI RAM PHOOL SINGH, WORKMAN AND THE MANAGEMENT OF M/S JAY DINESH STEEL INDUSTRIES PVT. LTD., M.I.E., BAHADURGARH (ROHTAK)

Present—

Shri K. M. Lall, A. R. for the workman.

Shri M. C. Bhardwaj, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ram Phool Singh and the management of M/s Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh

(Rohtak), to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/42090-95, dated 9th August, 1985 ;

Whether the termination of services of Shri Ram Phool Singh was justified and in order ?
If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Tongsman for the last about two and half years on monthly wages of Rs. 450/-, but the respondent choose to terminate his services on 17th November, 1982 in complete disregard of the provisions of section 25-F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted:

4. On the pleadings of the parties, the following issue was laid down for decision on 1st February, 1985.

Whether the termination of services of Shri Ram Phool Singh was justified and in order ?
If not, to what relief is he entitled ?

5. Before any evidence could be adduced the learned authorised Representative of the workman made a statement that the workman has settled his claim with the respondent and as such, he does not want to prosecute this reference any further. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order to as cost.

B. P. JINDAL,

Dated the 27th April, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 115/83/758, dated 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/4119.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh (Rohtak) :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 116 of 1983

between

SHRI DINA NATH SINGH, WORKMAN AND THE MANAGEMENT OF M/S JAY
DINESH STEEL INDUSTRIES PVT. LTD., M. I. E., BAHADURGARH (ROHTAK)

Present.—

Shri K. M. Lali A. R. for the workman.

Shri M. C. Bhardwaj A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman

Shri Dina Nath Singh and the management of M/s Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh (Rohtak), to this Court for adjudication,—vide Labour Department Gazette notification No. ID/42097-102, dated 19th August 1983 :—

Whether the termination of services of Shri Dina Nath Singh was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of the reference notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Pullyman for the last about one and half years on monthly wages of Rs 450 but the respondent choose to terminate his services 17th November, 1982 in complete disregard of the provisions of section 25-F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted.

4. On the pleadings of the parties, the following issue was laid down for decision on 1st February 1985.

Whether the termination of services of Shri Dina Nath Singh was justified and in order ?
If not, to what relief is he entitled ?

5. Before any evidence could be adduced the learned Authorised Representative of the workman made a statement that the workman has settled his claim with the respondent and as such, he does not want to prosecute this reference any further. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to costs.

Dated the 27th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court,
Rohtak.

Endst. No. 116-83/754, dated the 11th May, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court,
Rohtak.

No. 9/5/84-6 Lab/4120.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management M/s Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh (Rohtak).

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 20 of 1983

between

SHRI PARAS SINGH, WORKMAN AND THE MANAGEMENT OF M/S JAY DINESH STEEL INDUSTRIES PVT. LTD., M.I.E., BAHADURGARH (ROHTAK)

Present:—

Shri K. M. Lall, A. R. for the workman.

Shri M. C. Bhardwaj, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the

workman Shri Paras Singh and the management of M/s. Jay Dinesh Steel Industries Pvt. Ltd., M.I.E., Bahadurgarh (Rohtak), to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/42125—30, dated 19th August, 1983:—

Whether the termination of services of Shri Paras Singh was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of the reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last two years on monthly wages of Rs. 450, but the respondent choose to terminate his services on 17th November, 1982 in complete disregard of the provisions of section 25F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted.

4. On the pleadings of the parties, the following issue was laid down for decision on 1st February, 1985.

Whether the termination of services of Shri Paras Singh was justified and in order ? If not, to what relief is he entitled ?

5. Before any evidence could be adduced the learned Authorised Representative of the workman made a statement that the workman has settled his claim with the respondent and as such, he does not want to prosecute this reference any further. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated, the 27th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 120-83/755, dated the 11th May, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

KULWANT SINGH,
Secretary to Government, Haryana,
Labour and Employment Departments.

श्रम विभाग

आदेश

दिनांक 6 मई, 1985

सं. श्रो. वि./फरीदाबाद/20471.—चूंकि हरियाणा के राज्यपाल की राय है कि मै. मुख्य प्रशासक फरीदाबाद कम्पलेक्स प्रशासन फरीदाबाद, के श्रमिक श्री श्री चन्द तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं. 5415-3-अम/68/15254, दिनांक 20 जून, 1968 के साथ पढ़ते हुए अधिसूचना सं. 11495-जी-अम-88-अम/57/11245, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्याय-निर्णय के लिये निर्दिष्ट करते हैं जो कि प्रबन्धकों तथा श्रमिकों के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत या उससे संबंधित मामला है :—

क्या श्री श्री चन्द की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

जे० पी० रतन,
उप-सचिव, हरियाणा सरकार,
श्रम विभाग।